of infringing the due process clause of the Federal constitution. For example, it was held in Roller *v.* Holly, 176 U. S. 398, that where service of process was made upon a defendant residing in Virginia, requiring him to appear and answer a suit in Texas within five days, it is held that such notice was not a reasonable one, was not "due process of law" within the Fourteenth Amendment to the Constitution of the United States, and that a judgment obtained upon such notice was not binding upon the defendant. In this case Mr. Justice Brown, delivering the opinion of the United States Supreme Court, said: "That a man is entitled to some notice before he can be deprived of his liberty or property, is an axiom of the law to which no citation of authority would give additional weight; but upon the question of the length of such notice there is a singular dearth of judicial decision. It is manifest that the requirement of notice would be of no value whatever, unless such notice were reasonable and adequate for the purpose. What shall be deemed a reasonable notice admits of considerable doubt. * * * It may be said in general, with reference to these statutes (that is the statutes of the various states which the court sets out in its opinion) that in cases of publication notice is required to be given at least once a week for from four to eight weeks, and in case of personal service out of the state, no notice for less than twenty days between the service and return day is contemplated in any of the states except Mississippi, where a personal notice of ten days seems to be sufficient.

MISCELLANY.

The Decline in Trial by Jury.—It seems that the steady decline in the trial of civil causes by jury in the state, which was pointed out in our leading article last month, is also taking place in England. The London Law Journal asks:

Why is it that as the business of the County Courts grows the number of cases tried by juries decreases? Only 725 of the 897,042 actions tried in 1909 were tried by juries. This, 101 less than in the preceding year, is the lowest number on record. Some years back, when the number of actions determined was less than 500,000, the actions tried by juries numbered more than 1,000. On four circuits—the Newcastle, Leeds, Oswestry, and Bristol circuits—not a single action was tried with a jury during the whole of last year. On fifteen other circuits, including some of the most important towns in the country, the number of jury actions was less than five. Some judges, it may be, do not conceal their objection to trial by jury, and suitors and their advisers, of course, deem it imprudent to disregard the objection. The more probable reason for the decline in trial by

jury is that the ability and impartiality of the judges are now generally recognized, while the imperfections of County Court juries become increasingly obvious. There are, however, a considerable number of actions in which the services of a jury are desirable, and there can be little doubt, that, if the character of County Court juries were improved, a larger number of suitors would be willing to avail themselves of their services more frequently.

Petitions for Rehearing.—In the following cases, petitions for rehearings are pending: Chesapeake & O. R. Co. *v.* Shipp (Va.) Nov. 17, 1910; Clinchfield Coal Co. *v.* Viers (Va.) 68 S. E. 976; Clinchfield Coal Co. *v.* Wheeler (Va.) 68 S. E. 1001; Handley Board of Trustees *v.* Winchester Memorial Hospital (Va.) Nov. 17, 1910; Pollard *v.* American Stone Co. (Va.) 68 S. E. 266; Vicars *v.* Salyer (Va.) 68 S. E. 988.

In the following cases, petitions for rehearing have been granted: Atkins, Adm'r, *v.* Solenberger (Va.). Opinion filed Nov. 17, 1910. Granted. Beury *v.* Davis (Va.). Opinion filed Mar. 10, 1910. Granted June 9, 1910. Hecksher *v.* Blanton (Va.). Opinion filed Mar. 12, 1910. Granted June 9, 1910. Yost *v.* Critcher (Va.). Opinion filed Nov. 17, 1910. Granted.

IN VACATION.

Pie-Eaters Haled to Court.—A Washington, D. C., news-item says: A pie-eating contest is a theatrical performance. Also, it is labor to eat pie, regardless of the kind or quality. This appears to be the substance of a decision of the Juvenile Court of the District of Columbia. The manager of a five-cent theatre was prosecuted in that court for inducing four negro boys under the age of 14 years to engage in a pie-eating contest on the stage of his theatre for a prize of 25 cents to the boy who finished first. The Court held that this was a violation of the Child Labor law, which requires a permit for the participation of children in a theatrical performance. The manager paid $5 fine. He also paid for the pies.

Effect of False Swearing.—A witness in a criminal prosecution in Texas said, during his examination to test his understanding of the nature of an oath and the result of giving false testimony, that if he told one story he would go to the Legislature, and that if he told two he would go to Congress. This may cast an illuminating beam on the question why those bodies furnish so many successful candidates for membership in the Ananias Club. The Court of Criminal Appeals held that the witness was incompetent, without, however, deciding whether he erred in his conclusion, or whether such familiarity with political ideals disqualified him for the lesser and more inconspicuous role of a witness.—West Publishing Co.'s Docket.